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FM AMEMBASSY JAKARTA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0388  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHBJ/AMEMBASSY BEIJING 5521  
RUEHBY/AMEMBASSY CANBERRA 3189  
RUEHLM/AMEMBASSY COLOMBO 1388  
RUEHKA/AMEMBASSY DHAKA 1362  
RUEHNE/AMEMBASSY NEW DELHI 2348  
RUEHOT/AMEMBASSY OTTAWA 1410  
RUEHUL/AMEMBASSY SEOUL 5038  
RUEHTC/AMEMBASSY THE HAGUE 3450  
RUEHKO/AMEMBASSY TOKYO 2635  
RUEHUM/AMEMBASSY ULAANBAATAR 0113  
RUEHWL/AMEMBASSY WELLINGTON 3187  
RUEHBAD/AMCONSUL PERTH 1217  
RUEHHK/AMCONSUL HONG KONG 3043  
RUEAIIA/CIA WASHDC  
RHEHNSC/NSC WASHDC  
RHEFDIA/DIA WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001951

SIPDIS

DEPT. FOR EAP, EAP/MTS, EAP/MLS, DRL, DRL/AWH  
NSC FOR EPHU

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SUBJECT: MUNIR -- CASE OF MURDERED ACTIVIST CONTINUES

REF: JAKARTA 1891 AND PREVIOUS

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: Another key witness in the 2004 murder of human rights activist Munir Said Thalib recanted his testimony to police in an October 21 court appearance. This is the fourth intelligence agent to withdraw testimony damaging to the accused mastermind of the murder, a former deputy of the State Intelligence Agency (BIN). Despite the latest setback, the prosecution is hopeful that judges will allow the earlier statements and their incriminating content into evidence. More generally, the prosecution remains optimistic about its case, which is an important one for accountability. END SUMMARY.

CASE CONTINUES

12. (C) The murder involving a well-known activist is continuing. Captain Kawan (one name only) told South Jakarta District Court on October 21 that his previous testimony to police was inaccurate because he was "very tired" when police questioned him. His original police testimony (now recanted) was another important link between Munir's murder and the accused mastermind on trial, BIN Deputy Muchdi Purwopranjono.

According to a summary of the police dossier, provided by sources to DepPol/C, Kawan had originally testified to police that:

-- BIN agent Budi Santoso, a direct subordinate of Muchdi, had ordered Kawan to monitor Munir and other human rights activists.

-- Kawan was ordered to plan two murder plots: sabotage of Munir's car to cause an accident as well as shooting. Neither of these was ultimately pursued--Munir was poisoned instead.

-- That he witnessed convicted murderer Pollycarpus Priyanto at BIN offices. Pollycarpus, a pilot, was found guilty of poisoning Munir on a Garuda Airlines flight from Jakarta to Amsterdam, via Singapore.

¶3. (C) BIN sources have told human rights contacts that the BIN agents who have agreed to testify against Muchdi are being threatened into silence by some in BIN. Santoso, for example, is reportedly afraid for his life. He failed to appear in court on October 21, the third time he has ignored the court's summons.

¶4. (C) The police testimony is still valid evidence even if retracted by witnesses if the prosecution can prove that the testimony was not coerced, sources told us. Judges can also take into consideration possible coercion against witnesses and corroborating evidence.

#### RETRIEVING A KEY DOCUMENT

¶5. (C) A second witness at the October 21 trial, computer forensic investigator Joni Torino, confirmed to the court how he retrieved a key document from a BIN hard drive. He retrieved a letter from a senior BIN official to then president of Garuda Airlines, Indra Setiawan, who was previously convicted of abetting the murder. The letter was signed by As'ad Ali, another BIN Deputy Director reporting directly to Muchdi. The letter ordered Setiawan to assign the pilot Pollycarpus to security responsibilities which would allow him to easily board the flight with Munir. Setiawan claimed he had lost the letter. Police success in recovering this letter electronically was key in the convictions of Pollycarpus and Setiawan, and provided a crucial link with BIN.

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#### PROSECUTION PRESSING HARD

¶6. (C) Twice-weekly trial sessions will continue for the near future as the prosecution doggedly pursues its case. Despite the setbacks, the prosecution is hopeful that judges will allow these BIN agents' earlier statements and their incriminating content into evidence. More generally, the prosecution remains optimistic about its case, which is an important one for accountability. Certainly, the prosecution is doing all it can acting under direct instruction from President Yudhoyono.

HUME